

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ESSEX EMERYVILLE OWNER, L.P.,

Plaintiff,

No. C 17-00121 WHA

v.

MELINDA SCOTT,

ORDER TO SHOW CAUSE


Defendant.

The complaint in this action asserts only one cause of action, namely, unlawful detainer under California law. Defendant Melinda Scott removed the action from Alameda County Superior Court, apparently contending that the Protecting Tenants at Foreclosure Act of 2009 completely preempts state law on this matter. The PTFA expired on December 31, 2014, before Scott rented the property at issue. Pub. L. No. 111-203, 124 Stat. 1376, 2204 (2010). Additionally, although our court of appeals has not addressed the issue, every district court in our circuit to address the question has held that the PTFA does not raise a federal question giving rise to federal subject-matter jurisdiction. *E.g.*, *Borquist v. Nino*, No. 17-00068-HRL, 2017 WL 75743, at *2 (N.D. Cal. Jan. 9, 2017) (Judge Howard R. Lloyd); *Marke at S. Coast Metro, LLC v. Lee*, No. 16-02107-AG, 2016 WL 7017227, at *2 (C.D. Cal. Dec. 1, 2016) (Judge Andrew J. Guilford); *Thawani v. Robertson*, No. 16-03732-JCS, 2016 WL 4472986, at *2 (N.D. Cal. July 18, 2016) (Judge Joseph C. Spero, *report and recommendation adopted*, No. 16-03732-WHA, 2016 WL 4436308 (N.D. Cal. Aug. 23, 2016); *Edwards v. Clark*, No. 16-00147-TLN-EFB, 2016 WL 690920, at *2 (E.D. Cal. Jan. 26, 2016) (Judge Troy L. Nunley).

1 By **FEBRUARY 9 AT NOON**, defendant Melinda Scott shall **SHOW CAUSE**, in writing,
2 why the case should not be remanded for lack of subject-matter jurisdiction.

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4 **IT IS SO ORDERED.**

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6 Dated: January 19, 2017.

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8 WILLIAM ALSUP
9 UNITED STATES DISTRICT JUDGE
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